United Nations S/2014/224

Security Council

Distr.: General
27 March 2014

Original: English

Letter dated 26 March 2014 from the Chargé d'affaires a.i. of the Permanent Mission of Saudi Arabia to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you a letter from the special representative of the Syrian Coalition dated 26 March 2014 in advance of the briefing of the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator to the Security Council to be held on 28 March 2014 (see annex).

I would be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Abdulmohsen **Alyas**
Chargé d'affaires a.i.

14-28051 (E) 030414

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Annex to the letter dated 26 March 2014 from the Chargé d'affaires a.i. of the Permanent Mission of Saudi Arabia to the United Nations addressed to the President of the Security Council

On behalf of the National Coalition of Syrian Revolution and Opposition Forces, I have the honour to share with you today information on the measures taken by the Syrian Coalition and its partners to improve humanitarian access in the liberated parts of Syria, in anticipation of the briefing of the Under-Secretary-General and Emergency Relief Coordinator to the Security Council on 28 March 2014.

The unanimous adoption of Security Council resolution 2139 (2014) on 22 February 2014 suggested that the Syrian regime would finally be compelled to meet its obligations under international humanitarian law. We welcomed the efforts of the United Nations, its agencies and non-governmental organizations (NGOs) to bring relief to the Syrian people. However, for the past 30 days we have seen the Assad regime continue to obstruct humanitarian access and intensify its indiscriminate and excessive attacks against the Syrian people.

The Syrian Coalition's commitment to Security Council resolution 2139 (2014) and international humanitarian law

The Syrian Coalition is fully committed to international law. Our struggle will establish a Syria that respects the rights of its people and meets its international law and domestic obligations. That is why we have adopted the declaration of Commitment on Compliance with International Humanitarian Law and the Facilitation of Humanitarian Assistance (see enclosure 2). It clearly sets out our commitment to respect international humanitarian law. Our Supreme Military Council's Proclamation of Principles is further evidence of our respect for international law (see enclosure 3).

In addition to reaffirming our commitments in principle, the Syrian Coalition has also worked to uphold our respect for international law in practice. This was ongoing before the adoption of resolution 2139 (2014) and will continue in the coming months. Both the Syrian Coalition and the Free Syrian Army respect both the letter and spirit of resolution 2139 (2014). To demonstrate our commitment, and despite the regime's perpetual use of violence, the Free Syrian Army has, among other things:

- Protected NGOs and facilitated their work in liberated areas
- Established relief offices to deliver supplies to civilians
- Provided protection to minority communities during the regime siege of Homs.

Enclosure 1 provides a more detailed overview of the Coalition's compliance with resolution 2139 (2014).

The regime's non-compliance with resolution 2139 (2014) and international humanitarian law

The Syrian Coalition and Free Syrian Army are making every effort to ensure compliance with international humanitarian law, including compliance with resolution 2139 (2014). As we have previously communicated to the Council, the

regime is responsible for creating and sustaining the humanitarian catastrophe that our people have been subjected to for the past three years. It is the Syrian regime's responsibility to fulfil its obligations under international law. However, instead of fulfilling its legal responsibilities, we have seen the Syrian regime:

- Escalate its attacks against civilian populated areas, including through the indiscriminate and disproportionate use of barrel bombs and heavy weaponry
- Fail to achieve real progress in implementation of the Security Council Presidential Statement of 2 October 2013 (S/PRST/2013/15)
- Besiege civilian populations as part of its "submission through starvation" policy
- Detain men evacuated from Homs
- Remove medical supplies from humanitarian convoys
- On multiple occasions, deny authorization for United Nations convoys to deliver humanitarian aid to opposition-held areas.

To illustrate the regime's continued obstruction of humanitarian relief, three specific examples include:

- 24 February: a World Health Organization shipment of medicine was stopped at a regime checkpoint until it was released on 5 March (arriving in Al Raqqa on 8 March)
- 7 March: a range of medical items, including antibiotics and anti-bacterial medicines, were removed from an aid convoy to Al Houla by regime security authorities
- 12 March: medicines and medical supplies were removed by regime authorities from a convoy destined for Adraa al-Umallyeh and Adraa Albalad
- 8 February 2014: during the evacuation of a handful of civilians from the Old City of Homs, the Office for the Coordination of Humanitarian Affairs estimated that 125,000 citizens of Aleppo had been displaced in one weekend as a result of the intensification of the bombing of the city. The United Nations request for an urgent inter-agency convoy to provide assistance to the displaced was denied.

In addition, as reports by the independent international commission of inquiry (see A/HRC/25/65) and the Office for the Coordination of Humanitarian Affairs both demonstrate, the Syrian regime has routinely committed atrocities and abuses at official detention facilities, at checkpoints in besieged areas and in house raids. It has made no effort to distinguish between civilians and combatants and has instead deployed artillery shelling and air strikes, including barrel bombs, in heavily populated civilian areas. These atrocities constitute crimes against humanity and war crimes and have not diminished since the adoption of Security Council resolution 2139 (2014).

Next steps

The Assad regime does not intend to meet its obligations under international law. It has consistently demonstrated this since the start of its brutal oppression of

the Syrian revolution three years ago. Security Council resolution 2139 (2014) has, unfortunately, failed to change the regime's behaviour.

In its resolution 2139 (2014), the Security Council unanimously pledged to "take further steps in the case of non-compliance with this resolution". One month after the adoption of the resolution, the Syrian regime has refused to comply with the will of the Council. And it has given no indication that it intends to do so. In the light of the Syrian regime's continued violations of resolution 2139 (2014), we call on the members of the Security Council to take all necessary measures to uphold international law and ensure the Syrian regime's full and immediate compliance with resolution 2139 (2014).

It is critical now, as it has been for the past three years, that the Security Council apply increased pressure on the regime to ensure that it complies with the will of the Council and its international obligations. Only significant action that will compel the regime to change its behaviour will ensure that there is a chance to relieve the appalling humanitarian situation in Syria.

With or without further Security Council action, the Syrian regime is bound by customary international law, as reflected in article 70 of the Additional Protocol I to the Geneva Conventions. The 3.5 million people in hard-to-reach areas must be able to access humanitarian aid through the most direct routes, including across borders. Any obstruction or arbitrary denial of access by the regime must be treated by the Security Council as a grave violation of international law.

(*Signed*) Najib **Ghadbian**
Special Representative of the Syrian Coalition
to the United Nations

Enclosure 1

Syrian Coalition and Free Syrian Army compliance with Security Council resolution 2139 (2014)

(i) Operative paragraph 3: All parties must cease attacks against civilians

- The Free Syrian Army (Free Syrian Army) was formed in 2011 to protect civilians from regime brutality. It disavows all attacks on civilians, and condemns the use of aerial bombardments and ground-to-ground rockets. The Free Syrian Army also condemns all attacks against civilian neighbourhoods, schools, apartment buildings, bakeries or hospitals, irrespective of their perpetrators.
- In 2013, the Supreme Military Council of the Free Syrian Army issued its proclamation on the protection of civilians and commitment to human rights (annex III). To ensure that the proclamation is properly understood and applied, Free Syrian Army legal scholars give seminars on international humanitarian law to units and make regular visits to Free Syrian Army-held territories.
- No civilians may be targeted by Free Syrian Army forces. To ensure that this principle is upheld, all Free Syrian Army targets must be approved by the command structure. Anyone found to act in contravention of this principle will be held accountable as demanded by international law.
- To ensure that all civilian lives are spared and medical care reaches those in need, the Free Syrian Army carries out search and rescue operations following regime attacks.

(ii) Operative paragraphs 5, 6 and 7: All parties must allow the delivery of humanitarian assistance, grant humanitarian access, including across borders and across lines, and facilitate the efforts of the United Nations

- Free Syrian Army brigades respect, protect and facilitate the work of NGOs in liberated areas. The Free Syrian Army facilitates NGOs' entry into northern Syria, including the Maram Foundation and Karam Foundation, which provide humanitarian relief to Syrian children and operate schools and women's centres in Idlib and Aleppo provinces. International NGOs have likewise worked closely with Free Syrian Army units across northern Syria to obtain safe access to Syrians in need.
- Free Syrian Army groups such as the Syrian Revolutionaries Front have established relief offices that deliver supplies to communities in the liberated territories.
- The relief office of the Free Syrian Army has delivered goods to Syrian children in Idlib and Hama provinces. This distribution is accomplished by facilitating the movement of NGO humanitarian goods into areas under attack by the Assad regime in northern Syria.
- The Syrian Revolutionaries Front has also distributed relief aid to the minority Druze population.
- The Revolutionary Council in Deir ez-Zor also maintains a relief office that distributes aid throughout the province.

- The relief provided by the Free Syrian Army stands in stark contrast to the Syrian regime. In Al Wa'er, for example, the Syrian regime is denying humanitarian access and implementing a policy of starvation into submission. While the villages Ghasbeih and Haswiya are under the control of the Free Syrian Army, the village of Dwair itself is under the control of the regime, from which the Syrian regime is firing into the neighbouring areas and targeting civilians.

(iii) Operative paragraph 5: All parties must lift the sieges of populated areas

- There is an accusation that "the opposition" is besieging the Aleppo towns of Nubl and Zahra.
- Distinction should be made between different types of armed groups, as the independent international commission of inquiry did in its report. We condemn any besiegement of civilians.
- The regime has turned Nubl and Zahra into military strongholds, with many heavy weapons in use there, and is using the towns as bases from which to bomb and attack neighbouring villages.
- The Free Syrian Army is not besieging the towns. The brigades active in that area are extremist brigades.
- We recommend that the United Nations try to verify the facts on the ground, including whether regime forces control at least one access route into the area (Afrin Road), and whether or to what extent there are shortages in humanitarian supplies in the referenced areas. The Free Syrian Army will make every effort to try to facilitate humanitarian access to these areas.

(iv) Operative paragraph 5: All parties agree to humanitarian pauses, local ceasefires and truces

- There have been local humanitarian pauses. Where they have failed, it has been because of the regime. This includes in Homs, where the regime fired on an aid convoy on 8 February 2014.
- When Aleppo was out of drinking water, a ceasefire was agreed to let fuel and sanitizers pass through for pumping stations. That worked, and drinking water came back online. However, the regime broke the ceasefire in September 2012, killing two Free Syrian Army fighters. Nevertheless, the Free Syrian Army maintained its ceasefire.
- Local ceasefires were also broken by the regime in Mouaddamiah and Barza.

(v) Operative paragraph 8: Medical neutrality

- The Free Syrian Army has issued strict instructions to ensure the work of medical missions and the non-use and non-acquisition of materials belonging to civilians.
- In February 2014, the Free Syrian Army allowed passage of the Red Crescent to the central prison in Aleppo, so that it could bring food and medicine to prisoners and regime forces.

(vi) **Operative paragraph 9: All parties shall protect civilians, including ethnic minorities**

- The Free Syrian Army does not target any person for ethnic, religious, or confessional reasons.
- For example, there are many Kurdish villages under the control of the Free Syrian Army in the north of Aleppo (those that are not are controlled by the Democratic Union Party (PYD)). The only threat to these villages comes from regime bombing.
- In old Homs, some Christian communities remained under the protection of the Free Syrian Army during the long siege by the regime.
- In Kadin on the Syrian coast, the Murshidi community lived under the auspices of the Free Syrian Army for almost a year. In August 2013, the regime bombed and threatened the Murshidi, as a result of which they were forcibly displaced.

(vii) **Operative paragraph 10: All parties must demilitarize hospitals, schools, etc.**

- The Free Syrian Army evacuated schools in Manbaj. Unfortunately, the city was subsequently controlled by the Islamic State of Iraq and Greater Syria (ISIS).
- The Tawheed Brigade has evacuated the buildings of Aleppo hospital in the Hanano area.
- Hospitals and schools have been the targets of regime aerial bombing. For example, 10 students died in Masaken Hanano in Aleppo as a result of barrel bombing on 22 December 2013; 11 people died on 11 September 2013 when a makeshift hospital in Bab city, Aleppo, was bombed from the air.

(viii) **Operative paragraph 11: All parties must end practices of detention and torture**

- Free Syrian Army groups have established police forces to protect citizens from kidnapping. For example, Free Syrian Army police forces have been established in the western suburbs of Aleppo.

(ix) **Operative paragraph 12: All parties must ensure the safety and security of United Nations personnel**

- The Free Syrian Army does not target United Nations personnel, and will make arrangements for their protection whenever requested to do so, provided they are given information on areas and routes on which protection is required.
- This is equally true for the international NGOs with whom Free Syrian Army units have been working over the past year. Relations between international NGOs and Free Syrian Army units are well established and working smoothly.

(x) **Operative paragraph 14: All parties must reject terrorism and terrorist organizations**

- The Free Syrian Army has been fighting the extremists of al-Qaeda-linked ISIS for the past four months.

- For example, in Al Raqqa, a governorate that is under the control of ISIS, the Free Syrian Army is urgently trying to liberate it and has repeatedly condemned ISIS presence there.
- ISIS was defeated and pushed out of Idlib, Hama suburbs, Deir ez-Zor, Aleppo city, and north of Aleppo.
- The Free Syrian Army has suffered significant casualties from its engagement on two fronts, with the regime and with ISIS, to pursue the democratic objectives of the uprising. Neither foe has acted accordingly, opting to fight the Free Syrian Army only. The regime is as a result de facto colluding with the terrorist organization ISIS.

(xi) Operative paragraph 15: All parties must work towards the implementation of the Geneva Communiqué

- The goal of the Geneva Conference is the full implementation of the Geneva Communiqué, beginning with the establishment of a transitional governing body exercising full executive powers, which could include members of the present Government and the opposition and other groups, and shall be formed on the basis of mutual consent.
- The Syrian Coalition came to Geneva in January and February 2014 prepared to engage proactively and constructively to reach a political solution to the Syrian conflict.
- At every session, the Syrian Coalition put forward positive and implementable positions. The Assad regime came prepared only to obfuscate and delay. Repeatedly, the regime's delegation showed itself unwilling to address the core issues raised in the Geneva Communiqué.
- During the Geneva negotiations, the Syrian Coalition introduced a Statement of Basic Principles, which proposed a framework for transition. However, the Syrian regime refused even to discuss it.
- The Syrian Coalition broadened its representation during the Geneva process, including by bringing representatives from armed groups during the second round of negotiations.
- The Syrian Coalition adopted the Declaration of Commitment on Compliance with International Humanitarian Law and the Facilitation of Humanitarian Assistance and sent a letter on 19 March 2014 to Under-Secretary-General Amos confirming this (see enclosure 2).

Enclosure 2

National Coalition of Syrian Revolution and Opposition Forces

Office of the President

Declaration of Commitment on Compliance with International Humanitarian Law and the Facilitation of Humanitarian Assistance

We *agree* that the interests and well-being of the Syrian people are our top priority, and affirm our commitment to protect and respect civilians and ensure that they are assisted henceforth and at all times;

We *affirm* our responsibility to respect international humanitarian law at all times including, without prejudice to the ongoing application of the rules not enumerated here, the responsibilities to:

- Distinguish at all time between the civilian population and combatants and between civilian objects and military objectives, and direct attacks solely against military objectives
- Respect and protect schools and hospitals, and refrain from using them in support of the military effort, including by locating military objectives within or near them
- Refrain from the recruitment of children and the use of children in hostilities
- Refrain from any form of torture or other cruel, inhuman or degrading treatment, including sexual violence of all kinds
- Respect the wounded and sick, including combatants, and allow them to receive, to the fullest extent practicable and with the least possible delay, the medical care required by their condition, without discrimination
- Respect and protect relief workers, allow and facilitate the rapid and unimpeded passage of relief, including medical and surgical equipment, and grant authorized relief personnel freedom of movement to reach people in need on the basis of need alone, unless imperative military necessity requires their movements to be temporarily restricted
- Allow all civilians safe evacuation from, and allow the rapid and unimpeded passage of relief consignments into, all besieged areas
- Treat all persons deprived of their liberty humanely and provide an impartial, neutral and independent organization with regular access to persons in detention.

In addition to these responsibilities, we agree to:

- Refrain from the use of heavy weapons in population centres
- Respect and uphold the fundamental humanitarian principles of humanity, neutrality, impartiality and independence
- Immediately agree upon and facilitate arrangements to undertake essential immunization campaigns in the entirety of the Syrian territory

- Adopt simple and expedited procedures for all logistical and administrative arrangements necessary for humanitarian relief operations
- Work immediately and in good faith with representatives of humanitarian agencies to agree on practical arrangements for the provision of assistance to meet the needs of all civilians, including through the rapid authorization of humanitarian convoys, and the implementation of regular humanitarian pauses, local deconfliction arrangements and days of tranquillity
- Take all necessary measures to ensure that all elements acting on our instructions or under our direction or control abide by the commitments of international humanitarian law and of this Declaration, and investigate all allegations of violations and hold accountable those responsible.

Enclosure 3

[Original: English and Arabic]

Supreme Military Council

Proclamation of Principles

The Supreme Military Council hereby proclaims the following principles:

- We believe in a free and democratic Syria where all Syrian citizens, regardless of their ethnicity, creed, religion or class shall enjoy equal rights and live in liberty, justice and peace.
- We believe in a pluralistic, multi-ethnic, multi-religious society that honours and upholds freedom of expression, thought and conscience.
- We believe in the freedom of association and assembly. No Syrian shall be forced into a political association or denied equal participation in political life.
- We believe that the rule of law shall apply equally to all Syrians, shall be honoured by the governing bodies of Syria, and shall reign supreme throughout the nation.
- We believe that the governing bodies and public authorities shall protect all citizens from persecution, fear and cruel or unusual punishment.
- We reject all forms of terrorism and will fight against the scourge of revenge killing in our land.
- We recognized the threat posed by Syria's chemical and biological weapons stockpiles and pledge to safeguard these dangerous materials.
- We welcome peace and security in our region, the wider Middle East and beyond.
- The Free Syrian Army is a military structure responsible to all Syrian citizens and will submit to the authority of a democratically elected civilian government.
- We seek a peaceful end to Syria's crisis, but will fight if necessary to end the dictatorship of the Assad. Our aim is to protect Syria's civilians and to guarantee a brighter future.
- We will uphold international humanitarian laws, including treating prisoners humanely, even as the Assad regime engages in crimes against humanity and ignores international obligations. Additionally, we will not tolerate the killing or maiming of civilians, the recruitment or use of children by armed groups, attacks on schools or hospitals, kidnapping or abduction, denial of humanitarian access, or sexual violence.
- We welcome our international allies and partners to assist us in this revolution for freedom and dignity.